

REMARKS

Claims 1-10 are pending in the present patent application. Claims 1-10 stand rejected.

This application continues to include claims 1-10.

The Examiner rejected claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,169,618 (Potter, et al.). Applicants respectfully request reconsideration of the rejection of claims 1-10 in view of the following.

Potter, et al. discloses a plastic door lock having opposite roses, i.e., mounting plates, 27, 29 adapted to interlock with each other and be held together with a single screw 25 on the axial center line of the knobs 26, 28 and accessible from the outside. When used as a privacy lock, unlocking the lock from the outside is prevented by pushing the inside knob 28 into a releasable but non-rotatable engagement with the inside rose 29. (See Potter, et al. Abstract, column 3, lines 18-33). "For anchoring the two roses [i.e., outside mounting plate 27 and inside mounting plate 29] in position on the door and engagement with each other there is only the single screw 25...." (Potter, et al., column 5, lines 40-42).

As shown in Potter, et al. Fig. 3, "In the mass 51 of the outside rose [i.e., mounting plate 27] there is a passageway 88 in axial alignment with the passageway 85 having a diameter large enough to snugly accommodate the screw. A web or protrusion of material in the passageway 88 (not shown) may be employed to temporarily hold the screw 25 out of engagement with, but in alignment with, a screw hole 90 in a mass 89 of the inside rose [i.e., mounting plate] 29. A flared opening 91' serves to direct the screw 25 into the hole 89. The screw hole 90 is small enough so that a thread forming screw like the screw 25 can be employed to thread its way into the screw hole 90 to hold the parts together. By making the hole 86 smaller than the head of the screw the screw can not fall out and get lost. The two subassemblies [outside mounting plate 27 and inside

mounting plate 29] are attached together in this fashion as they are fastened in position on the door.” (Potter, et al., column 5, lines 48-63; emphasis added).

Claim 1 is directed to a lockset, and recites, in part, “a turn-button mounted in said operator, said turn-button including: a head portion; and a shaft extending from said head portion, said shaft having a leading helical end portion that engages said aperture of said lock mechanism.”

In rejecting claim 1, the Examiner equates screw 25 with Applicants’ turn-button. Applicants, submit, however, that equating screw 25 to Applicant’s turn-button disregards the meaning of the term “turn-button” as used throughout the present application, including the specification and claims, and disregards the meaning of the term to one skilled in the art.

The Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364, 70 USPQ2d 1827 (Fed. Cir. 2004) (Emphasis added).

Applicants’ Fig. 1 clearly shows, for example, the structure referenced by element number 12 that Applicants’ refer to as a “turn-button”, i.e., turn-button 12. As stated in Applicants’ specification at page 2, lines 26-27, a rotation of the head portion 20 of turn-button 12 by a user operates lock mechanism 14.

Further, Applicants submit that the screw 25 of Potter, et al. is not what is understood by one of ordinary skill in the art to be a turn-button (also spelled “turn button”), and also sometimes referred to as a turnpiece. For example, each of U.S. Patents 4,631,944; 5,317,889; 5,335,950; 5,441,318; 6,598,440; and 6,745,602 shows and describes a turn button/turnpiece. The owners of

these patents are variously Kwikset, Emhart or Newfrey LLC, who constitute a market share of about 60%. Accordingly, there is an extensive use of the terms turn-button/turnpiece in the art to refer to the particular item used in a door handle assembly that is mounted in an operator (e.g., door knob) and which is rotated independently from the door knob to actuate a lock mechanism. As such, a screw that holds an outside mounting plate to an inside mounting plate, as disclosed in Potter, et al., does not constitute a turn-button, or vice-versa. A turn-button operates a lock mechanism.

Thus, in view of the above, one skilled in the art would not equate the turn-button of the present invention, as recited both in the claims and in the specification, with the screw 25 of Potter, et al.

In addition to the above, Potter, et al. does not disclose a turn button having a “shaft extending from said head portion, said shaft having a leading helical end portion that engages said aperture of said lock mechanism.” Rather, Potter, et al. discloses that, “For anchoring the two roses [i.e., outside mounting plate 27 and inside mounting plate 29] in position on the door and engagement with each other there is only the single screw 25....” (Potter, et al., column 5, lines 40-42). Further, Potter, et al. discloses that extending axially outwardly from the inside rose 29 is a bearing sleeve 67 (Potter, et al. column 4, lines 9-10), and a series of circumferentially spaced axially inwardly extending notches or slots 81 at the edge of the bearing sleeve 67. (Potter, et al. column 4, lines 36-38). Fins 53 at the bottoms of the recesses 57 of the inside knob 28 are adapted to project into the respective notches 81 of inside rose 29, when the inner knob 28 is pushed inwardly to the position shown in Fig. 9 to effect a locking arrangement. (Potter, et al. column 4, lines 38-42).

Thus, in Potter, et al., screw 25 does not engage the aperture of the lock mechanism, since in Potter, et al. the lock mechanism is achieved by slots 81 at the edge of the bearing sleeve 67 and fins 53 at the bottoms of the recesses 57 of the inside knob 28.

For the reasons set forth above, claim 1 is believed to be in condition for allowance in its present form.

Claims 2 and 3 depend from claim 1, and are believed to be allowable in view of their dependence from otherwise allowable base claim 1. In addition, claims 2 and 3 are believed allowable in their own right.

Claim 2 depends from claim 1, and further recites, “said leading helical end portion having a plurality of leading helical surfaces that taper and twist from a transition line of said shaft toward a tip end of said shaft.” However, screw 25 of Potter, et al does not disclose such structure. Rather, screw 25 of Potter, et al. has a single continuous screw thread defining a single continuous groove. Accordingly, claim 2 is believed allowable in its own right.

Claim 3 depends from claim 2, and further recites that “said plurality of leading helical surfaces smoothly transition between adjacent helical surfaces.” In contrast, the screw 25 of Potter, et al. has a single continuous screw thread defining a single continuous groove. Accordingly, claim 3 is believed allowable in its own right.

In addition, claim 3 is believed to be allowable in view of its dependence from otherwise allowable intervening claim 2.

Claim 4 is directed to a turn-button for a lockset. Claim 4 recites “a head portion; and a shaft extending from said head portion, said shaft having a leading helical end tip.” As set forth above in the discussion of claim 1, Potter, et al. does not disclose a turn-button for a lock set.

Accordingly, claim 4 is believed to be in condition for allowance in its present form.

Claims 5 and 6 depend, directly or indirectly, from claim 4, and are believed to be allowable in view of their dependence from otherwise allowable base claim 4. In addition, claims 5 and 6 are believed allowable in their own right for substantially the same reasons set forth above with respect to claims 2 and 3, respectively. In addition, claim 6 is believed to be allowable in view of its dependence from otherwise allowable intervening claim 5.

Claim 7 is directed to a lockset. Claim 7 recites, “a lock mechanism including an actuator having an aperture; an operator; a turn-button mounted in said operator, said turn-button including a shaft; and means for facilitating self-alignment of said shaft of said turn-button with said aperture of said lock mechanism as said shaft of said turn-button is inserted into said aperture of said lock mechanism.

Applicants submit that Potter, et al. does not disclose, teach or suggest a turn-button as recited in claim 7 for the reasons set forth above with respect to claim 1.

Furthermore, and notwithstanding the above, Potter, et al. provides no means for facilitating self-alignment of a shaft of a turn-button with an aperture of a lock mechanism as the shaft of the turn-button is inserted into the aperture of the lock mechanism. In rejecting claim 7, reliance is placed on the passageway 85 in the outside rose 27 in Potter, et al. at column 5, lines 51-63. However, the cited passage is directed to facilitating the receiving of screw 25, wherein “[f]or anchoring the two roses [i.e., outside mounting plate 27 and inside mounting plate 29] in position on the door and engagement with each other there is only the single screw 25....” (Potter, et al., column 5, lines 40-42). Accordingly, the cited passage is not related to facilitating self-alignment of a shaft of a turn-button with an aperture of a lock mechanism as the shaft of the turn-button is inserted into the aperture of the lock mechanism, as recited in claim 7.

Accordingly, claim 7 is believed to be in condition for allowance in its present form.

Claim 8 is believed allowable in view of its dependence from otherwise allowable claim 1.

In addition claim 8 is believed allowable in its own right.

Claim 8 recites, “The lockset of claim 1, said lock mechanism including a rotatable actuator having said aperture, wherein once said leading helical end portion engages said aperture, a rotation of said turn-button effects a corresponding rotation of said rotatable actuator of said lock mechanism.” In rejecting claim 8, the Examiner asserts that screw 25 “rotates the rose to secure it against the outer door surface; column 4, lines 4-23.” The cited passage, however, makes no mention of screw 25.

As set forth above, “In the mass 51 of the outside rose [i.e., mounting plate 27] there is a passageway 88 in axial alignment with the passageway 85 having a diameter large enough to snugly accommodate the screw. A web or protrusion of material in the passageway 88 (not shown) may be employed to temporarily hold the screw 25 out of engagement with, but in alignment with, a screw hole 90 in a mass 89 of the inside rose [i.e., mounting plate] 29. A flared opening 91' serves to direct the screw 25 into the hole 89. The screw hole 90 is small enough so that a thread forming screw like the screw 25 can be employed to thread its way into the screw hole 90 to hold the parts together. By making the hole 86 smaller than the head of the screw the screw can not fall out and get lost. The two subassemblies [outside mounting plate 27 and inside mounting plate 29] are attached together in this fashion as they are fastened in position on the door.” (Potter, et al., column 5, lines 48-63; emphasis added). Thus, there is no intended corresponding rotation of screw 25 and either of outside mounting plate 27 or inside mounting plate 29 of Potter, et al. Rather, screw 25 anchors the two mounting plates together. (Potter, et al. column 5, lines 40-42).

Accordingly, Potter, et al. does not disclose, teach or suggest a lock mechanism including a rotatable actuator having said aperture, wherein once said leading helical end portion [of the turn-button] engages said aperture, a rotation of said turn-button effects a corresponding rotation of said rotatable actuator of said lock mechanism”, as recited in claim 8.

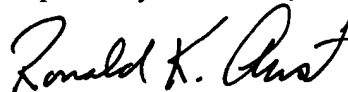
Claims 9 and 10 depend, directly or indirectly, from independent claim 7, and correspond generally to claims 2 and 3, respectively. Claims 9 and 10 further and patentably define Applicants' invention over the prior art, and are believed allowable in their present form for substantially the same reasons set forth above with respect to claims 2 and 3. Also, claims 9 and 10 are believed allowable in view of their dependence from otherwise allowable claim 7. In addition, claim 10 is believed allowable in view of its dependence from otherwise allowable intervening claim 9.

For the foregoing reasons, Applicants believe the present application is in condition for allowance in its present form, and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



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December 8, 2005

Date